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10/768,779

01/30/2004

Eric Justin Gould Bear

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01/26/2009

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EXAMINER

SHAPIRO, LEONID

ART UNIT

PAPER NUMBER

2629

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01/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/768,779 | Applicant(s) GOULD BEAR ET AL. | |
| | Examiner Leonid Shapiro | Art Unit 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2,10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bodnar (6,686,931 B1).

As to claims 1,11,13 Bodnar teaches a hardware control device and a method of extending the functionality of a navigational control device comprising at least one logical button (fig. 3, items 317,319, col. 7, lines 55-67), said method comprising:

said logical button issuing a first command in a first context (fig. 4E, items 440,317,319 - forward/backward keys, col. 9,lines 38-39); and

said logical button issuing a second command in a second context (figs. 5A-5C, items 510,317,319 - forward/backward keys, col. 10, lines 1-14), first command and first context (fig. 3, items 317,319, col. 7, lines 55-67) are not the same as said second command and said second context (figs. 5A-5C, items 510,317,319 - forward/backward keys, col. 10, lines 1-14).

As to claims 10,12, Bodnar teaches a system, a computer-readable medium having computer-readable instructions and hardware control device (Fig. 1 and correspondent text).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar.

As to claim 3,9 Bodnar does not explicitly stated logical button issuing a third command in a third context or logical button issuing an nth command in an nth context.

However, Bodnar teaches said logical button issuing a first command in a first context (fig. 4E, items 440,317,319 - forward/backward keys, col. 9,lines 38-39); and said logical button issuing a second command in a second context (figs. 5A-5C, items 510,317,319 - forward/backward keys, col. 10, lines 1-14) and six different application.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add four different applications with different context to two already described (navigation and value) in order to associate each button with particular task for a given program context (col. 7, lines 55-57).

As to claims 4-7 Bodnar teaches the command is to step, access and scroll (col. 8, lines 38-50).

As to claim 8 Bodnar teaches the command is to abstract (fig. 4E, items 317, 319 - forward/backward keys, col. 9, lines 38-39).

Response to Arguments

3. Applicant's arguments filed 10/20/08 have been fully considered but they are not persuasive:

On page 4, last full paragraph of Remark, Applicant stated that Bodnar is disclosing buttons that have the same, consistent function regardless of the context. However, in Bodnar first command (forward command) is not the same as said second command (backward command), and wherein said first context (go forward) is not the same as said second context (go backward).

On page 5, first paragraph of Remark, Applicant stated that Thus, because Bodnar specifically discloses that the function of a button remains constant regardless of the context. Thus, Bodnar fails to anticipate a logical button issuing different commands in different contexts, as recited in claim 1. However, in Bodnar first command (forward command) is not the same as said second command (backward command), and wherein said first context (go forward) is not the same as said second context (go backward).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2629

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01.06.09

/L. S./

Examiner, Art Unit 2629

/Richard Hjerpe/

Supervisory Patent Examiner, Art Unit 2629